

## REMARKS

In accordance with the foregoing, claim 1 has been amended. Claims 1-7 are pending and under consideration.

The sole issue remaining in this application is a rejection of claims 1-5 and 7 under 35 USC § 101. In this rejection, the Examiner asserts that the claims are directed to non-statutory subject matter. Specifically, the Examiner asserts that the claims are directed to data structures. Applicant respectfully disagrees. Claim 1 is directed to a method, one of the classes of statutory subject matter described in 35 USC § 101. However, In an effort to further prosecution, claim 1 has been amended to recite a method of performing a query on a Markup document using a computer.

With regard to independent claim 7, no change has been made for this claim. Claim 7 is directed to a device, which includes a receiver to receive a query, a design unit, a parser and a checker. It is believed that claim 7 is clearly directed to a "machine," as described by 35 USC § 101. Claim 7 is not directed to a data structure.

In view of the foregoing amendments and remarks, withdrawal of the rejection is respectfully requested. There being no further outstanding issues, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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